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Dated: July 31, 2007 Signature: \_\_\_\_\_

(Lori Sims)

Patent

Docket No. 282172002900

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor Patent Application of:

Thomas W. DUBENSKY, Jr. et al.

Examiner: J. Graser

Group Art Unit: 1645

Serial No.: 10/773,792

Filing Date: February 6, 2004

For: LISTERIA ATTENUATED FOR ENTRY  
INTO NON-PHAGOCYtic CELLS,  
VACCINES COMPRISING THE  
LISTERIA, AND METHODS OF USE  
THEREOF

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Mail Stop Amendment  
Commissioner for Patents  
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Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. A copy of the non-patent literature is submitted herewith. The Examiner is requested to make these documents of record.

This Supplemental Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.

- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
- ☐ A fee is required. A check in the amount of \_\_\_ is enclosed.
- ☒ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_\_ is enclosed.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other

Application Serial No. 10/773,792

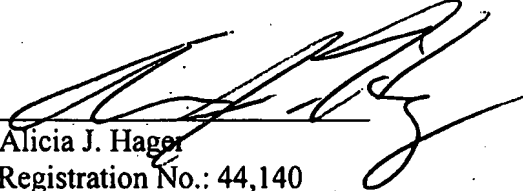
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Docket No. 282172002900

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Respectfully submitted,

By

  
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ALTERNATIVE TO PTO/SB/08A/B (09/06)

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet	1	of	6	Attorney Docket Number	282172002900
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**Complete if Known**

Application Number	10/773,792
Filing Date	February 6, 2004
First Named Inventor	Thomas W. DUBENSKY, Jr.
Art Unit	1645
Examiner Name	J. Graser

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1.	US-2001/0023072-A1	09-20-2001	Crawford et al.	
	2.	US-2002/0039588-A1	04-04-2002	Collier et al.	
	3.	US-2002/0141977-A1	10-03-2002	Collins et al.	
	4.	US-2002/0155108-A1	10-24-2002	Barbera-Guillem	
	5.	US-2002/0192193-A1	12-19-2002	Chokri et al.	
	6.	US-2003/0092177-A1	05-15-2003	Belardelli et al.	
	7.	US-2003/0119187-A1	06-26-2003	De Santis	
	8.	US-2003/0190682-A1	10-09-2003	Law et al.	
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Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>4</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	17.	Alonso, J.C. et al. (1991). "Characterization of <i>recF</i> Suppressors in <i>Bacillus subtilis</i> ," <i>Biochimie</i> 73:277-280.	
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Examiner  
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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	10/773,792		
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		Art Unit	1645		
		Examiner Name	J. Graser		
Sheet	2	of	6	Attorney Docket Number	282172002900

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pa- 1137090	5/4/08

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Sheet	3	of	6	Attorney Docket Number	282172002900

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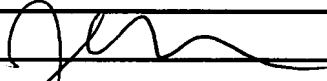
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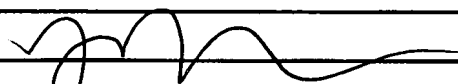
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Examiner Signature		Date Considered	10/4/07
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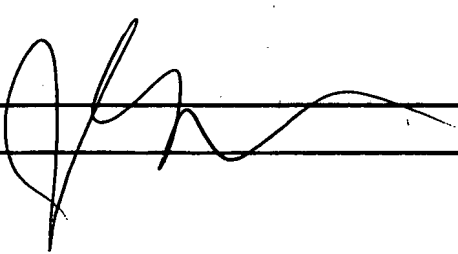


Substitute for form 1449/PTO		<b>Complete if Known</b>	
		Application Number	10/773,792
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		Filing Date	February 6, 2004
		First Named Inventor	Thomas W. DUBENSKY, Jr.
		Art Unit	1645
		Examiner Name	J. Graser
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	100.	Wong, K.K.Y. et al. (2004). "Evidence Implicating the 5' Untranslated Region of <i>Listeria monocytogenes actA</i> in the Regulation of Bacterial Actin-Based Motility," <i>Cellular Microbiology</i> 6(2):155-166.	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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